

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

FILED

NOV 1 - 2024

RORY L. PERRY II, CLERK
U.S. District Court
Southern District of West VirginiaRobert Lee Butterworth# 3535768(Enter above the full name of the plaintiff
or plaintiffs in this action).

(Inmate Reg. # of each Plaintiff)

VERSUS

CIVIL ACTION NO. 2:24-cv-00631
(Number to be assigned by Court)South Central Regional JailOrkin Pest Control(Enter above the full name of the defendant
or defendants in this action)**COMPLAINT****I. Previous Lawsuits**

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes _____

No X

II. Place of Present Confinement: South Central Regional Jail

A. Is there a prisoner grievance procedure in this institution?

Yes X No _____

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes X No _____

C. If you answer is YES:

1. What steps did you take? Grieved all the way to Commissioner.

2. What was the result? Grievance Denied

D. If your answer is NO, explain why not:

N/A

III. Parties

(In item A below, place your name and inmate registration number in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff: Robert Lee Butterworth # 3535768

Address: 1001 Centre Way, South Charleston, W. Va. 25309

B. Additional Plaintiff(s) and Address(es): _____

N

A

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiffs: _____

N/A

Defendants: _____

2. Court (if federal court, name the district; if state court, name the county);

N/A

3. Docket Number: _____

N/A

4. Name of judge to whom case was assigned:

N/A

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

N/A

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

(In item C below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

C. Defendant:	<u>South Central Regional Jail</u>
is employed as:	<u>South Central Regional Jail</u>
at	<u>South Central Regional Jail</u>
D. Additional defendants:	<u>Orkin Pest Control</u>
	<u>Company</u>

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

On May 16th, 2024 I was in Alpha-8-Cell-5 which is a 23hr. lockdown section, Correctional officer Lornitis served my lunch which is on a tray with no type of lid or cover on it. About 5 min. later Correctional Officer Elswick Opened the Cell and asked me to step out so Orkin could spray For bugs so I did. My tray was in the cell while Orkin sprayed. They put me directly back in the cell and Refused to give me another tray, I ate the tray and got deathly sick and Had to be Rushed to Medical

IV. Statement of Claim (continued):

Where I was told to just Puke it all up out of my System, which is not Proper Protically.

ORKIN: They or there Employees Have to go through Training and take Tests and Know Better to Spray the Chemical BITHOR SC which is Extremely Toxic around any Open Food And if Sprayed in an enclosed Environment with Humans it is to be Evacuated until the Chemical dries. The guys Name from Orkin that sprayed is Shane, Video footage is available From the Date of Incident

V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments.

Cite no cases or statutes.

Would like the Courts to grant These Companys to Compesete me for Pain and Suffering Due to the Sickness I incurred due to Exposure of the Chemical BITHOR SC which is an Extremely Toxic Chemical used to Kill Pesticides, and Varments and could Cause Death to Humans, Was told to Puke it all out of my System and Was Denied to go to a Hospital, Was sick for over 5 days. Would like \$200,000.00 For Actuall Damages and Another —

V. Relief (continued)):

\$500,000.00 For Punitive Damages

I can still Barely swallow at this Present
Moment, not to mention what the long term side
effects will Be.

VII. Counsel

A. If someone other than a lawyer is assisting you in preparing this case, state the person's name:

WIA

B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action?

Yes X No _____

If so, state the name(s) and address(es) of each lawyer contacted:

Paul Strobel, 405 Capitol St. Suite-102

P.O. Box 2582 Charleston, Wv 25329

If not, state your reasons: No \$ to Pay Him

C. Have you previously had a lawyer representing you in a civil action in this court?

Yes _____ No X

If so, state the lawyer's name and address:

WIA

Signed this 29 day of October, 2024.

Ralph Lee Beuthorn M

Signature of Plaintiff or Plaintiffs

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 10/29/24
(Date)

Karen Lee Booth
Signature of Movant/Plaintiff

Signature of Movant/Plaintiff

**Signature of Attorney
(if any)**

ONE STAPLE ONLY

245081J CF Ab-052801A

WVDCR Policy Directive 33:

15 February 2

Attachments

GENERAL DISTRIBUTRY

WVDCR Inmate Grievance Form

Grievance No.

Robert Butterworth
Inmate Name3535768
OID #

24 5081 Ab-052801A

5-28-24
Date of Grievance

State Nature of Grievance / Issue to be addressed (Note: 1 issue per grievance be concise file with Director of Inmate Services.

TO WRITING ON BACK:

On May 16th, 2024 Between the 12:25pm and 12:30pm CO Lormitis was serving lunch in Alpha 8 which is a lock down section. I was in cell 3 section my tray arrived at 12:32pm to 12:35pm CO ElSwick and Lormitis came to my cell and asked if we could please step out of the cell.

Relief Sought (state what you want):

TO BE COMPENSATED FOR DISRESPECTS OF HUMAN LIFE.

Robert Butterworth

(The inmate may attach one 8.5 x 11 sheet if necessary, at this level only)

Inmate's Signature

Director of Inmate Services Response (attach additional sheet if needed)

Accepted

Rejected

Reason for rejection:

Date:

5/28/24

Response on Merits if accepted:

X will look into it.

Signature

Resolved: _____ (if so initial and give copy to Director of Inmate Services)Appealed to Superintendent RLB (initial) Date: 5-31-24

If no response at initial level is included the inmate certifies that he/she has tendered this grievance as indicated above and no response has been issued at that level within the time frames set forth in Policy Directive 335.00.

Robert Butterworth

5-31-24

Inmate's Signature

Date

Action by Superintendent:

Accepted

Rejected

Reason for rejection:

Date:

Response on Merits if accepted: _____ Remand to Unit for further action Affirm unit and/or deny grievance Grant the Grievance as specified

Comments

R Johnson

5-31-24

(Attach additional sheet if necessary)

Superintendent's Signature

Date

Resolved: _____ (if so initial and give copy to Director of Inmate Services)Appealed to Commissioner RLB (initial)

If no response at Superintendent's level is included, the inmate certifies that he/she has tendered this grievance as indicated above and no response has been issued at that level within the time frames set forth in Policy Directive 335.00.

RECEIVED

Robert Lee Butterworth

6-3-24

JUN 06 2024

Inmate's Signature

Date

Action by Commissioner:

Accepted

Rejected

Reason for:

Response on Merits if accepted: Affirm Sup

AFFIRMED

Grievance Denied
Central Office
Grievance ReviewWest Virginia Division of
Corrections and Rehabilitation
Date: JUN 07 2024
Other, memo attached.

24 SCJCF Ab. 852801A

With my cellie Cody Fuller and I Complied, as we was walking out of the cell I saw Someone Wearing a Red in Cobr shirt with the name ORKIN on it. He had a Stainless Steel Container with a pump handle, a Hose with a spray Nozel in His Hand and started He was spraying for Bugs. Now remind you my tray is in the cell with no lid or any type of cover on it. They person from ORKIN sprayed the inside of the cell and exited the cell and told the CO's their good to go back in. They put us back in the cell and locked the door. I Finished eating my Food and about 20 to 30 min. later I got Deathly Sick, I was Puking Perfusely, My Stomach was hurting, throat felt like it was Sweating Shut. So I yelled for the CO and asked him to Please get someone. He steped into the hallway and got Sgt. Spaulding with got me medical RN Cindy. She came to my cell and Had me step out ^{of} the cell. She asked me what happened so I told Her. She took my vitals which were not Normal, and told the CO that I needed to go to medical. Now. So I was Escorted to Medical and The Nurse Cindy Found the ORKIN people and found out the Name of the Chemical they were using. Which was BITHOR SC, which is Extremely TOXIC and is not to be used around Food, and if sprayed in an enclosed enviornment it is to be evacuated until it dries, no less than 30 minutes to 2 hours. Ms Cindy contacted Poison Control and she said they said to keep me in medical and let me puke it all up. I was in Medical for 2 Hours. I was still puking and my stomach has been Hurting, and Have had a Sore throat for about 5 Days. I've put Sick Calls in over it also. I should have been giving a new tray, and not been left in a cell with the Chemical BITHOR SC Freshly sprayed that made me Sick. This was Done with NO Regards to Human Life.

Please See Video Surveillance in Alpha 8 Pod ~~for~~ For May 16th, 2024 I Was in Cell 5.

Thank You.